

means for detecting a non-proper condition of said drive motor, which sense an occurrence of a condition in which proper drive of said drive motor is not possible under a prescribed condition, and a second non-proper condition detecting means for detecting a non-proper condition of said drive motor which senses an occurrence of a condition in which proper drive of said drive motor is not possible under a prescribed condition even after the control mode had been changed for a predetermined period; and

said control mode change instructing means further comprising a first instructing means for instructing a change of a control mode which instructs said drive circuit control means to change the control mode that is currently being executed, in response to said detection signal output from said first non-proper condition detecting mean, and a second instructing means for instructing a change of a control mode which instructs said drive circuit control means to change the currently executed control mode instructed by said second non-proper condition detecting means to the original control mode when a non-proper condition of said drive motor has not been detected within said predetermined period, and which instructs said drive circuit control means to change the currently executed control mode instructed by said second non-proper condition detecting means, to a further separate control mode when non-proper condition of said drive motor has been detected within said predetermined period.

REMARKS

This Amendment Under 37 C.F.R. §1.111 is filed in reply to the outstanding Notice of Non-Responsive Amendment of February 11, 2003, and also the Office Action of July 3, 2002, and is believed to be fully responsive thereto for reasons set forth below in greater detail.

Responsive to paragraph 1 of the Notice, a revised set of amended claims 26, 27,

29 and 36-45 is submitted herein pursuant to and in compliance with 37 CFR 1.173(b) and (g).

Responsive to paragraph 2 of the Notice, 37 CFR 1.173(c) states,

(c) Status of claims and support for claim changes. Whenever there is an amendment to the claims pursuant to paragraph (b) of this section, there must also be supplied, on pages separate from the pages containing the changes, the status (i.e., pending or canceled), as of the date of the amendment, of all patent claims and of all added claims, and an explanation of the support in the disclosure of the patent for the changes made to the claims.

Pursuant to 37 CFR 1.173(c), the status of all claims is as follows. Claims 1-23 have been cancelled in the original reissue application, replaced by reissue claims 24-45. Of the reissue claims 24-45, claims 24, 25, 28 and 30 have been cancelled, and claims 26, 27, 29 and 36-45 have been amended for the reasons and explanations stated below.

It is noted that several telephone interviews were conducted with Patent Examiner V. Miska on February 20, 2003, to ascertain how best to comply with the requirement for an explanation of the support in the disclosure of the patent. Pursuant thereto, a marked copy of amended claims 26, 27, 29 and 36-45 is attached hereto, indicating support in the original patent claims 1-23, copy also enclosed herewith, with the citations in the amended claims being to original C (claim)____, P (paragraph)____, with the paragraph numbers being indicated on the enclosed copy of original patent claims 1-23, or the citations being to Co (column)____, L (lines)____, in issued U.S. Patent 5,933,392.

A similarly marked set of claims 24-45 is also enclosed herewith indicating support therefore in the original patent claims 1-23 and in issued U.S. Patent 5,933,392.

Responsive to paragraph 3 of the Notice, a Supplemental Declaration has been forwarded to the inventors in Japan, and will be submitted as soon as received. Moreover, it is noted that 37 CFR 1.175(b) provides that the supplemental Declaration be "submitted before allowance".

Moreover, in a second reissue application, also prosecuted before Patent Examiner Miska, the Examiner had also requested a new DECLARATION IN SUPPORT OF REISSUE changing "the co-inventors" to --joint inventors--, and accordingly a new DECLARATION IN SUPPORT OF REISSUE changing "the co-inventors" to--joint inventors-- in paragraph 2 thereof has also been forwarded to the inventors in Japan and will be submitted as soon as received.

In the Official Action, the Examiner has rejected several of the claims under 35 U.S.C §102(b) as being anticipated by either one of USP' 401 and USP' 502, and has also rejected several of the claims under 35 U.S.C. §103(a) as being allegedly obvious over USP' 502 in view of USP' 401.

On the other hand, the Examiner has allowed claims 33 to 36 and 40 to 44 (dependent on claim 33 only), and has indicated that the subject matter of claims 26, 30, 31, and 45 would be allowable if rewritten in independent form.

In reviewing the applied prior art and the Examiner's comments thereon, the applicant believes that the Examiner has partly misunderstood some technical features of the cited references with respect to the claimed features of the present invention. However, the applicant wishes to obtain an allowance by filing amendments to the present claims so as to further clarify the distinctions of the present claims over the cited references while taking the Examiner's comments into account.

The subject matter of claim 26 has been indicated to be allowable, and accordingly claim 26 has been amended so as to be an independent claim 26 by incorporating therein the subject matter of claims 24 and 25.

Claim 27 has been amended so as to be an independent claim while incorporating therein the subject matter of claims 24 and 28 and additional limitative explanations in a clearer claim format to more definitively distinguish over the applied prior art.

The subject matter of claim 30, which has been indicated to be allowable, has been placed in independent claim 29, with claims 31 and 32 being dependent thereon.

In claim 36, the phrase “supplies said compensation drive pulse to said drive circuit” has been changed to supplies predetermined compensation drive pulse to said drive circuit.

It should also be noted that although the Examiner has objected to the above-mentioned phrase in the present claim 36 as not being supported by the original specification, it should be pointed out that pages 26 to 29, in the original specification of this application, and Fig. 9, especially page 29, lines 9 to 15, of the original specification of this application clearly state that the prescribed compensation drive pulse Ph can be supplied to the drive circuit means 407 in response to the detection that the motor has not been normally rotated. Therefore, it is believed that the Examiner may have misunderstood the above-mentioned explanation in the original specification of this application.

Claims 37 to 39 have been amended so that each claim is dependent on any one of the newly amended independent claims 26, 27, 29 and 33.

Please note that in view of the objection to claims 38 and 39 as not corresponding to the Markush group of claim 37, the applicant has amended claims 38 and 39 to obviate that objection.

Claims 40 to 44 have also been amended so that each claim is now dependent on any one of the newly amended independent claims 26, 27, 29, and 33.

Claim 45 has been amended to be dependent on newly amended independent claim 26.

A clean copy of amended claims 26, 27, 29 and 36-45 is attached hereto.

This application is now believed to be in condition for allowance, and a Notice of Allowance is respectfully requested. If the Examiner believes a telephone conference might expedite prosecution of this case, it is respectfully requested that he call applicant's attorney at (516) 742-4343.

Respectfully submitted,



William C. Roch
Registration No. 24,972

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

WCR/sf
Enclosure